

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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**J.T. SHANNON LUMBER COMPANY, INC.,**

**Plaintiff/Counter-Defendant,**

**v.**

**No. 2:07-cv-02847-JPM-tmp**

**RICHARD BARRETT,**

**Defendant/Counter-Plaintiff.**

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**J.T. SHANNON LUMBER COMPANY INC.'S SPECIAL JURY INSTRUCTION  
SUBMITTED AUGUST 24, 2010**

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Nominal Damages Jury Instruction

If you find that Barrett breached his Employment Contract with J.T. Shannon then nominal damages are presumed. The purpose of nominal damages is to recognize a legal right. Where there is a breach of contract, but even when no actual damages have been proven, Shannon is entitled to nominal damages.

*Bradford & Carson v. Montgomery Furniture Co.*, 92 S.W. 1104 (1906); *Morristown Lincoln-Mercury, Inc. v. Roy N. Lotspeich Publishing Co.*, 298 S.W.2d 788 (1956); *Womack v. Ward*, 186 S.W.2d 619 (Tenn. Ct. App. 1944).

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record, via the Court's electronic filing system, on this the 24<sup>th</sup> day of August, 2010:

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